

Minutes of Special and Regular Meeting of November 27, 2012  
One Twin Pines Lane

**SPECIAL MEETING  
CLOSED SESSION 6:35 P.M.**

A. Conference regarding Public Employee Annual Performance Evaluation Pursuant to  
Government Code Section 54957: City Manager and City Attorney

Attended by: Councilmembers Wozniak, Braunstein, Feierbach, Lieberman, Warden, City  
Manager Scoles and City Attorney Rennie. City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time being 7:45 P.M.

**Terri Cook  
City Clerk**

This meeting was not tape recorded or videotaped

**REGULAR MEETING  
CALL TO ORDER 7:50 P.M.**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Wozniak, Feierbach, Lieberman, Braunstein, Warden

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Scoles, City Attorney Rennie, Police Chief DeSmidt, Fire Chief Fry,  
Community Development Director de Melo, Finance Director Fil, Public Works Director  
Oskoui, Parks and Recreation Director Gervais, Interim Information Services Manager Eggers,  
Chief Building Official Nolfi, City Treasurer Violet, City Clerk Cook

**PLEDGE OF ALLEGIANCE**

Led by City Clerk Cook.

**REPORT FROM CLOSED SESSION**

City Attorney Rennie stated that there were no reportable actions from the Closed Session held  
earlier.

**SPECIAL PRESENTATIONS**

**Proclamation Honoring Richard Napier of C/CAG on his Retirement**

Mayor Warden presented a Proclamation to Richard Napier.

**Richard Napier**, C/CAG Executive Director, expressed his appreciation for the honor. He noted  
that efforts of C/CAG are accomplished through teamwork, and that this is the best job he ever  
had. He commented that he is proud of the Highway 101 Bicycle Pedestrian Bridge, and thanked  
the City of Belmont's leadership for helping to make that project happen.

Councilmember Wozniak stated that Mr. Napier will be missed. She acknowledged his many accomplishments.

### **Presentation by Judith Greig, Notre Dame de Namur University**

**Judith Greig**, President, Notre Dame de Namur University (NDNU), stated that the University is a resource for the community. She provided a history of the University, and pointed out that enrollment has recently exceeded 2,000 students. She described the satellite campuses located outside of the main campus, and explained that on-line courses are now available. She shared the philosophy of the University and its attention to serving a diverse student population. She described the various course offerings and noted that the University is known for its theater and arts department. She outlined how students are engaged in the community through their volunteer and outreach programs.

Dr. Greig provided details regarding the seismic issues at Ralston Hall, which has resulted in the closure of the building.

Discussion ensued regarding potential fundraising efforts to address the seismic needs. Dr. Greig noted that the Board of Trustees continues to assess the scope of work that will be needed.

Councilmember Wozniak pointed out that Dr. Greig was the recipient of an award acknowledging the diverse programs offered by the University. She noted that the University is committed to social justice.

Mayor Warden noted the number of volunteer hours performed by the students. He stated that the University is an asset to the community.

### **PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Oumou Ly**, NDNU Student Body President, announced an upcoming concert to benefit the NDNU Students' Christmas for the Troops program, and described the students' monthly service projects.

**William Todd**, New York resident, provided written comments regarding the City Council's recent decision regarding Crystal Springs Uplands School (on file in Clerk's Office).

### **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Councilmember Braunstein stated that he attended the recent meetings of the Foster City and San Mateo City Council wherein the joint fire agreement was finalized. He noted that both cities thanked the City of Belmont for joining them.

Mayor Warden announced that the City Council would select a new Mayor and Vice Mayor at the next regular meeting of December 11<sup>th</sup>. He noted that information was available on creek restoration and stewardship. He also announced the upcoming Toys for Tots Program sponsored by the Belmont Fire Department.

## **AGENDA AMENDMENTS**

Several Councilmembers requested the removal of a number of items from the Consent Calendar for separate consideration.

## **ITEMS APPROVED ON CONSENT CALENDAR**

Councilmember Braunstein commented regarding the Informational Report on the City's Creek Stewardship and Maintenance Efforts (Consent Item 8-B). He pointed out the need for the City Council to work on financial policies in order to address this issue. Mayor Warden noted that Waterdog Lake will need to be dredged at some point in the future.

Councilmember Braunstein also commented regarding Consent Calendar Item 8-D (Resolution of the City Council Approving an Amendment to a Professional Services Agreement with the County of San Mateo to Finalize the Right-of-Way Documents for the HWY 101/Pedestrian-Bicycle Bridge Project). He suggested developing a policy to address future maintenance needs.

**Approval of** Minutes of Special and Regular Meeting of October 23, 2012

**Acceptance of** Informational Report on City's Creek Stewardship and Maintenance Efforts

**Approval of** Resolution 2012-127 Accepting Work and Authorizing the Issuance of Notice of Completion for the 2012 Cipriani Dog Park Improvement Project, City Contract Number 513

**Approval of** Resolution 2012-128 Approving an Amendment to a Professional Services Agreement with the County of San Mateo to Finalize the Right-of-Way Documents for an Amount not to Exceed \$5,000 for the HWY 101/Pedestrian-Bicycle Bridge Project, City Contract Number 433

**Approval of** Resolution 2012-129 Approving Purchase of 30 Replacement Computers from Safari Micro Inc. in an amount not to exceed \$23,642.

**Approval of** Resolution 2012-130 Approving Accepting a Conservation Easement for a Portion of Vacant Property on Lower Lock Avenue (APN 043-042-430)

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Braunstein, the Consent Agenda was unanimously approved, as amended, by a show of hands.

## **ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION**

**Resolution Establishing 13 Feet of No Parking Zone on the South Side of North Road at Beresford Street and Eliminating 13 Feet of No Parking Zone at the Fire Hydrant on the South Side of 900 Block of North Road**

Councilmember Feierbach recommended adding clarifying language in the resolution to indicate that it is Beresford Avenue in San Mateo. She pointed out that there is a Beresford Avenue in Belmont.

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Braunstein, Resolution 2012-131 Establishing 13 Feet of No Parking Zone on the South Side of North Road at Beresford Street in San Mateo and Eliminating 13 Feet of No Parking Zone at the Fire Hydrant on the South Side of 900 Block of North Road was unanimously approved, as amended, by a show of hands.

### **Resolution Confirming the Decorative Street Lighting Style for Old County Road**

Councilmember Feierbach expressed her desire that the street lighting be similar to the design of the existing lights on Ralston Avenue.

Mayor Warden noted that the proposed style was not selected by the Planning Commission. He questioned when this matter was last brought to the Planning Commission.

Public Works Director Oskoui stated that the Planning Commission addressed this matter in 2008 when city-wide street lighting standards were discussed.

Mayor Warden suggested that this item be brought to the Planning Commission for an updated discussion. He noted there is no time sensitivity.

Council concurred to table this matter until the Planning Commission has had an opportunity discuss it.

### **Resolution Authorizing Service Agreement with Maze & Associates for Audit and Related Services for an Amount Not to Exceed \$92,318 for FY 2013**

Councilmember Feierbach stated that she would like to consider a new firm in the future, and requested information regarding the firms used by other cities. She commented that it may be beneficial to have a different company even if it costs more money.

City Treasurer Violet explained that an RFP (Request for Proposal) was issued to five firms, and response was received by two, both of which were interviewed. He explained that the proposal from Maze & Associates represents a \$144,000 savings over the other firm, and clarified that this is a renewable annual contract. He explained that other cities have other criteria in their selection process and that the City of Belmont is not a big enough city for many firms to consider.

Councilmember Wozniak explained the interview process used by the Audit Committee. She noted that the audit firm rotates the assigned staff each year. She pointed out that Maze & Associates has extensive experience in the public sector.

**ACTION:** On a motion by Councilmember Braunstein, seconded by Councilmember Wozniak, Resolution 2012-132 Authorizing Service Agreement with Maze & Associates for Audit and Related Services for an Amount Not to Exceed \$92,318 for FY 2013 was unanimously approved by a show of hands.

### **Resolution Awarding a Service Agreement to Vision Internet for the Design and Implementation of the City Website**

Councilmember Feierbach concurred with the need to update the City's website. She questioned how the current data would be transferred to the new website. She expressed concern regarding the impact on City staff.

Interim Information Services Manager Eggers explained that data on the website consists of static and archival information, as well as active web pages that are updated on a regular basis. He noted that the vendor will help facilitate the transfer of the more complex pages, and City

staff can manage the remainder, with all departments participating in this process. He explained that it is cost prohibitive to pay the vendor to copy-paste data that can be performed by City staff, and pointed out that this process facilitates learning the new software. He clarified that future actions will include the planning, designing and implementation phases. He pointed out that some information on the current website is outdated, and this process will provide an opportunity to evaluate content management.

City Manager Scoles noted that most cities are able to manage this process in-house.

Councilmember Wozniak requested additional information regarding the proposal. She expressed concerns regarding the low bid.

Councilmember Lieberman suggested that the City Council appoint a subcommittee to look into this matter.

Councilmember Braunstein expressed concerns regarding the low bid and wants to control cost.

Interim Information Services Manager Eggers explained that the base pricing is modular, and is less expensive than two to three years ago. He stated that the proposed vendor was recommended by many other cities.

Mayor Warden concurred that the company is professional. He expressed concern regarding the design phase and that the proposal was a boilerplate.

Interim Information Services Manager Eggers stated that the vendor is able to customize. He noted that the City would be paying for expertise, not just for content management.

Council concurred to table this item to the next meeting.

### **Resolution Approving Amendments to the Compensation and Benefits Program for the Unrepresented Management Group**

In response to Councilmember Lieberman, City Manager Scoles explained that City Council benefits are tied to the mid-management bargaining group, which agreement has been signed. He noted that it now contains a two-tiered system for benefits, and he outlined the caps on health benefits. He clarified that new City Councilmembers would be affected by the new PERS (Public Employee Retirement System) regulations.

Mayor Warden noted that he was absent from the closed session discussion regarding this item, and wanted to provide input regarding General Leave. He stated that the current allocation is excessive and suggested implementing a two-tiered system for future employees.

City Manager Scoles responded that the proposal includes concessions such as the elimination of the bonus system, and explained that General Leave is a combination of all forms of leaves.

**ACTION:** On a motion by Councilmember Braunstein, seconded by Councilmember Feierbach, Resolution 2012-133 Approving Amendments to the Compensation and Benefits Program for the

Unrepresented Management Group was unanimously approved by a show of hands, said motion to include revisiting this matter in the near future to address General Leave.

**Resolution Approving a Service Agreement with Frank, Rimerman Consulting for Financial Software Consulting Services**

Mayor Warden expressed concerns that the proposed resolution approves hourly fees only, with no cap or total expenditure.

Finance Director Fil explained that the vendor is guaranteeing prices, not scope of work, and that the City currently does not have a vendor to perform these services. He noted that the budget appropriation is how the City Council can control the contract, and suggested that each contract be brought to the City Council for approval.

In response to Councilmember Lieberman, Finance Director Fil explained that Eskel Porter is unable to continue providing these services due to the fact that the company lost a significant amount of work and staff when the State of California discontinued doing business with the company.

**ACTION:** On a motion by Mayor Warden, seconded by Councilmember Wozniak, Resolution 2012-134 Approving a Service Agreement with Frank, Rimerman Consulting for Financial Software Consulting Services was unanimously approved by a show of hands.

**RECESS: 9:35 P.M.**

**RECONVENE: 9:45 P.M.**

**OTHER BUSINESS**

**Consideration of an Ordinance Regulating Single-Use Carryout Bags**

Community Development Director de Melo provided background on the County of San Mateo's ordinance banning the use of single-use carryout bags, which was adopted earlier in November. He explained that the County prepared the Environmental Impact Report (EIR). He noted that the intent of the ordinance is to reduce the number and use of single-use bags and to promote the use of reusable bags. He noted that the ordinance requires retailers to charge for bags. He clarified that the County Environmental Health Department would provide enforcement and will perform outreach. He stated that the City of Belmont would perform outreach prior to adoption of its ordinance in January. He explained that the EIR did not identify any significant impacts, and it outlined benefits of the ordinance.

**Waymon Wong**, County Environmental Health Department, clarified that the ordinance bans the sale or use of single-use bags at time of check-out.

Discussion ensued regarding the availability of bags in places other than at check-out.

In response to Mayor Warden, Mr. Wong clarified that thicker bags are likely to be reused.

Councilmember Lieberman expressed support for the County-wide approach to this ordinance, and expressed concern regarding the requirement for retailers to charge for a reusable bag.

Discussion ensued.

Mr. Wong clarified that charging for the bag will discourage its use by customers, who are likely to bring their own bags.

City Attorney Rennie explained that the City cannot impose a bag fee, and the requirement for retailers to charge for paper bags will discourage their use, which has an environmental impact. He pointed out that the ordinance does not prohibit the use of plastic bags by customers.

Councilmember Lieberman recommended a maximum charge of five cents per bag.

Councilmember Wozniak stated that neighboring counties have enacted similar ordinances, and this ordinance will provide consistency. She stated that these ordinances change behaviors, and will reduce the number of bags in the waste stream, in creeks, and in oceans.

**ACTION:** On a motion by Councilmember Wozniak, seconded by Councilmember Braunstein, and unanimously approved by a show of hands to introduce an Ordinance Regulating Single-Use Carryout Bags and to set the Public Hearing for adoption on January 8, 2012.

**MEETING EXTENSION:** at this time, being 10:30 p.m. on a motion by Councilmember Lieberman, seconded by Mayor Warden, and unanimously approved by a show of hands to extend the meeting by 30 minutes.

(At this time, being 10:30 p.m., Councilmember Feierbach left the meeting.)

**Resolution Approving Supplemental Agreement VI of Joint Exercise of Powers Agreement - South Bayside System Authority (SBSA) and Authorizing the City Manager to Execute the Agreement**

Public Works Director Oskoui explained that this amendment will revise the cost allocation for the South Bayside System Authority (SBSA) Capital Improvement Program. He reviewed the Program and outlined Belmont's portion of the cost based on the current formula. He outlined the options that were evaluated and how it affects the allocation. He noted that Stage 1 and 2 were identified as most equitable, and results favorably for the City of Belmont.

Councilmember Lieberman pointed out that some costs will now be shared, and clarified that rebuilding pump stations in other cities in the future represents a future liability to the City of Belmont. He noted that changing the formula at this time will result in short-term savings.

In response to Council questions, Public Works Director Oskoui clarified that the voting rights have been discussed, and no agreement has been reached. He noted that this will be addressed by the SBSA Board in the future.

**Dan Child**, SBSA General Manager, clarified that voting rights are not tied to the funding allocation for the Capital Improvements Project.

Councilmember Braunstein suggested developing a long-term plan to ensure sufficient funds for future capital needs. Mr. Child responded that SBSA has begun the process for building reserves for future capital needs.

Councilmember Lieberman pointed out that SBSA is well managed by Mr. Child.

**ACTION:** On a motion by Councilmember Lieberman, seconded by Councilmember Wozniak, Resolution 2012-135 Approving Supplemental Agreement VI of Joint Exercise of Powers Agreement - South Bayside System Authority (SBSA) and Authorizing the City Manager to Execute the Agreement was unanimously approved by a show of hands (4-0, Feierbach absent).

**Ordinance Amending Contract Between the Board of Administration California Public Employees' Retirement System and the City Council as required by Government Code Section 20471**

City Manager Scoles noted that the City Council adopted a Resolution of Intention regarding this Ordinance, which affects miscellaneous employees, at a special meeting on November 1, 2012.

**ACTION:** On a motion by Councilmember Wozniak, seconded by Councilmember Lieberman, Ordinance 1068 Amending Contract Between the Board of Administration California Public Employees' Retirement System and the City Council as required by Government Code Section 20471 was unanimously adopted by a show of hands (4-0, Feierbach absent).

**COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS**

**Verbal Report from City Manager**

City Manager Scoles noted that the informational meeting earlier in the evening for those interested in the San Juan Canyon properties acquired by the City of Belmont was well attended. He noted that the Cities of Foster City and San Mateo have approved the shared fire services agreement. He outlined a Breakfast Forum to be held regarding the El Camino Grand Boulevard proposal. He described the locations for residents to obtain sandbags in preparation for the upcoming storms.

**ADJOURNMENT** at this time, being 10:55 P.M.

**Terri Cook  
City Clerk**

Meeting audio-recorded and videotaped.